

REMARKS

Claims 19-21 and 27-51 are pending in the current application. Claims 19 and 28 have been amended hereby. The Examiner has rejected claims 19-21, 27-36, 39-44 and 49-51 and objected to claims 37, 38 and 45-48.

I. Rejections citing Bianco, Jr. (U.S. Patent No. 4,463,494)

The Examiner has rejected claims 19, 27-31 and 34 under 35 U.S.C. § 102(b) as being anticipated by Bianco, Jr. (U.S. Patent No. 4,463,494). The Examiner has also rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Bianco, Jr.

Claim 19, as amended hereby, and claims 20 and 27 which depend therefrom all call for a combination that includes a monofilament line bent into a U-shaped portion with legs on each side thereof and a monofilament line cutting tool. The cutting tool includes a tool body, a cavity extending into the tool body and a cutting blade in the cavity. A pair of monofilament line contacting walls are in the cavity located generally parallel with the cutting blade and the monofilament legs are positioned against the pair of opposing monofilament line contacting walls and the monofilament line is cut by advancing the U-shaped portion against the cutting blade.

Claim 28, as amended hereby, and claims 29-31 and 34 which depend therefrom all call for a combination that includes a monofilament line that is bent and has an exterior surface thereof in tension with legs on each side of the tensioned exterior surface and a monofilament line cutting tool. The cutting tool includes a pair of monofilament line contacting walls and a cutting edge located between the walls. Each of the legs of the monofilament line are positioned against a respective one of the monofilament line contacting walls and the tensioned exterior surface of the monofilament line is positioned against the cutting edge whereby the monofilament line is cut by advancing the tensioned exterior surface against the cutting edge.

Thus, all of claims 19, 20, 27-31 and 34 are directed towards a combination and positively call for a monofilament line in combination with a monofilament line cutting tool. Claim 19, and claims 20 and 27 which depend therefrom, further call for the monofilament line to be bent into a U-shaped portion with legs on each side thereof with the monofilament legs

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being positioned against a pair of opposing monofilament line contacting walls and wherein the monofilament line is cut by advancing the U-shaped portion against a cutting blade. Claim 28, and claims 29-31 and 34, further call for the monofilament line to be bent and have an exterior surface in tension with legs on each side of the tensioned exterior surface and wherein the legs of the monofilament line are positioned against respective monofilament line contacting walls and the tensioned exterior surface of the monofilament line is positioned against a cutting edge whereby the monofilament line is cut by advancing the tensioned exterior surface against the cutting edge.

The Examiner argues that Bianco, Jr. discloses, *inter alia*, “a monofilament line (25)”. See Dec. 9, 2004 Office Action, p. 2. The Bianco Jr. reference, however, discloses an apparatus for shaping precious metals and element 25 is not a monofilament line but a precious metal wire such as gold, silver or other soft metal. See col. 2, lines 42, 43. It is noted that Webster’s Encyclopedic Unabridged Dictionary of the English Language, 1996 defines monofilament as “a single, generally large filament of synthetic fiber.” See also Application, p. 1, lines 7-8 (“Monofilament line is typically made of a polymer material including, for example, nylon, Kevlar and plastic.”). A precious metal wire is not a single filament of synthetic fiber or made of a polymer material nor has the Examiner argued or presented any evidence that such a precious metal wire has physical properties similar to that of a monofilament line.

Furthermore, as best seen in Figures 1, 2 and 5, wire 25 is not bent into a U-shaped portion with legs on each side thereof (as called for in claims 19, 20 and 27) nor is it bent such that an exterior surface thereof is placed in tension with legs on each side of the tensioned exterior surface (as called for in claims 28-31). Instead, wire 25 has a linear configuration when it is passed through device 10 and does not contain any suggestion to bend the wire.

Bianco, Jr. simply does not anticipate or suggest the combination called for in either claim 19 or claim 28. Thus, it is respectfully submitted that claims 19, 20, 27-31 and 34 are patentably distinct over Bianco, Jr.

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II. Rejections citing Hara et al. (U.S. Patent No. 4,606,289) in view of McLain (U.S. Patent No. 4,120,255)

The Examiner has also rejected claims 19-21 and 27-34 under 35 U.S.C. § 103(a) as being unpatentable over Hara et al. (U.S. Patent No. 4,606,289) in view of McLain (U.S. Patent No. 4,120,255).

The Examiner acknowledges that the Hara et al. reference does not disclose the use of a monofilament line and argues that the McLain reference, which discloses the use of a monofilament sewing thread, can be combined with the Hara et al. reference in a manner that renders claims 19-21 and 27-34 obvious. See Dec. 9, 2004 Office Action, p. 4.

It is first noted that Hara et al. discloses a sewing thread cutting device wherein the thread is cut by pulling the thread toward a cutting blade in a manner such that when the thread takes a U-shaped configuration, see, e.g., Figures 3 and 4, the cutting blade engages the inner surface of the U-shaped portion, not the outer portion of the U-shaped portion. When cutting monofilament line, this method of cutting a line is similar to trying to pull a knife into the line and presents the very difficulties that are overcome by the present invention. See, e.g., Application, p. 1, lines 10-12, "Typically, the monofilament line is cut by pulling a knife into the line or by using a pair of scissors or snips. In either case, a significant force is required to force the cutting edge therethrough and cut the monofilament line."

Turning first to claim 19 and claims 20, 21 and 27 which depend therefrom, it is noted that the Examiner argues that plates 14, 15 located on opposite sides of the cutter 12 as disclosed by Hara et al. constitute a pair of opposing monofilament line contacting walls. See Dec. 9, 2004 Office Action, p. 4. Claim 19, however, calls for "a pair of opposing monofilament line contacting walls in said cavity located generally parallel with said cutting blade". While plates 14, 15 are disposed generally parallel to cutter 12, they are cut away to form a recess or opening 13b into which thread 3 can be inserted. As a result, plates 14, 15 do not define any line contacting walls within the recess or opening 13b that are parallel to cutter 12.

Turning next to claim 28 and claims 29-34 which depend therefrom, it is noted that each of these claims call for a combination of a monofilament line and a monofilament line cutting tool wherein the monofilament line is bent and has an exterior surface thereof in tension with

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legs on each side of the tensioned exterior surface and wherein each of the legs of the monofilament line are positioned against respective monofilament line contacting walls and the tensioned exterior surface of the monofilament line is positioned against the cutting edge whereby the monofilament line is cut by advancing the tensioned exterior surface against the cutting edge. As can be seen in the drawings of the Hara et al. reference, when thread 3 is bent to form two legs, it is the inward facing surface of thread 3 between the two legs, i.e., the exterior surface of thread 3 that is placed in compression by the bending of thread 3, that is placed in contact with cutter 12, not the exterior surface of thread 3 that is placed in tension by the bending of thread 3.

Thus, claims 19-21 and 27-34 are patentably distinct over Hara et al. and McLain and the allowance of claim 19-21 and 27-34 is respectfully requested.

III. Rejections Citing Rece (U.S. Patent No. 1,356,941)

The Examiner has rejected claims 35, 42-44 and 51 under 35 U.S.C. § 102(b) as being anticipated by Rece (U.S. Patent No. 1,356,941).

The Examiner argues that Rece discloses a pair of opposing contacting walls (1, 2); a pair of retaining walls (3, 6); and a cutting blade (11) wherein the distance between the contacting walls is greater than the distance between the retaining walls.

Turning first to claim 35 and claim 42 which depends therefrom, it is noted that these claims each call for a tool for cutting monofilament line that includes, *inter alia*, a pair of opposing monofilament line contacting walls and a pair of opposing monofilament line retaining walls that are positioned such that a monofilament line can be cut by bending it into a U-shape portion, placing each of the legs of the U-shape portion against respective opposing monofilament line contacting walls, the retaining walls functioning to retain the U-shaped portion legs against the contacting wall and placing the bottom of the U-shape portion against the cutting blade. Rece discloses no such structure.

Rece discloses a poultry killer having a slot or opening 5 into which the neck of a fowl can be placed such that the head of the fowl cannot twist out of the slot before the fowl is killed or decapitated. See col. 1, lines 44-52. Elements 3 and 6 are positioned such that they cannot

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contact an item that has been placed in slot 5 for cutting and it is only the side edges of plates 1, 2 which define the boundaries of slot 5 which are capable of contacting an item placed in slot 5 for cutting. Thus, while slot 5 does have a pair of opposing side edges to trap the neck of the fowl within the slot, it does not include both a pair of opposing monofilament line contacting walls and a pair of opposing monofilament line retaining walls wherein the retaining walls sandwich the contacting walls as called for in claim 35. Nor does Rece provide any suggestion for providing such a structure. Thus, it is respectfully submitted that claims 35 and 42 are patentably distinct over Rece.

Turning to claim 43 and claims 44 and 51 which depend therefrom, it is noted that these claims each call for a monofilament line cutting tool that includes, *inter alia*, a tool body, a cavity in the tool body and a cavity opening in the tool body leading to the cavity, the cavity opening being generally rectangular shaped. The poultry killing device disclosed by Rece includes a slot 5 into which the neck of the fowl is inserted for cutting, however, this slot does not have a rectangular opening, nor has the Examiner pointed out any other cavity having a rectangular opening in the device disclosed by Rece that suggests the structure called for in claim 43. Simply put, the poultry killer disclosed by Rece neither discloses nor suggests the monofilament line cutting tool called for in claims 43, 44 and 51 and it is respectfully submitted that such claims are patentably distinct over Rece.

IV. Rejections citing Ogletree (U.S. Patent No. 2,109,303)

The Examiner has also rejected claim 43 under 35 U.S.C. § 102(b) as being anticipated by Ogletree (U.S. Patent No. 2,109,303). Furthermore, the Examiner has rejected claims 35, 36, 39-41, 44, 49 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Ogletree (U.S. Patent No. 2,109,303).

Turning first to claim 35 and claims 36 and 39-41 which depend therefrom, it is noted that these claims all call for a tool for cutting monofilament line that includes, *inter alia*, a pair of opposing monofilament line contacting walls that are spaced apart from one another by a first distance and a pair of opposing monofilament line retaining walls that are spaced apart from one another by a second distance wherein the first distance between the contacting walls is greater

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than the second distance between the retaining walls. The Examiner acknowledges that Ogletree does not disclose two pairs of walls wherein the two pair of walls are spaced apart by different distances. Instead, the Examiner argues that:

Ogletree teaches the size or shape may be modified and such modifications would not change the principle of operation. It would have been an obvious matter of design choice to change the distance between the contacting or retaining walls, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Dec. 9, 2004 Office Action, p. 5.

Presumably the Examiner is referring to the boiler plate language directed at the scope of the claims found at col. 2, lines 25-30 which states:

While the foregoing specification sets forth the invention in specific terms, it is to be understood that numerous changes in the shape, size and materials may be resorted to without departing from the spirit and scope of the invention as claimed hereinafter.

This language does not provide a suggestion to change the symmetrical proportions of the device to provide a rectangular as opposed to square opening leading to the cutting blades. It is pointed out that, at col. 2, lines 13-18, the specification of Ogletree explicitly states that "aprons 7 will automatically follow the contour of the bean, urging it, regardless of thickness or size, immediately over where the blades 9 intersect while it is passing through the implement, insuring fairly uniform slices." Thus, any change in shape or proportions of the device must be considered in view of the desire to produce uniform slices. Changing the shape and proportions of the opening leading to the cutting blades from a square to an opening having opposing sides spaced apart by different distances would make obtaining uniform slices more difficult and simply is not suggested by the disclosure of Ogletree. Thus, it is respectfully submitted that claims 35, 36 and 39-41 are patentably distinct over Ogletree.

With regard to claim 40 and claim 41 which depends therefrom, it is further noted that these claims call for the cutting blade to extend between the retaining walls. In other words, the cutting blade extends between the two walls of the cavity that are spaced apart by the smaller distance. This type of structure, if used by Ogletree, would pose a greater risk of asymmetrical

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cut beans than a blade extending between the more distantly spaced walls. Thus, it is submitted that claims 40 and 41 are patentably distinct over Ogletree for this additional reason in addition to those discussed above.

Turning next to claim 43, and claims 44, 49 and 50 which depend therefrom, it is first noted that each of these claims call for a monofilament line cutting tool that includes, *inter alia*, a cavity opening that is generally rectangular shaped. The shape of the opening disclosed by Ogletree is square, not rectangular. As discussed above with reference to claims 35, 36 and 39-41, Ogletree desires to produce uniform slices. Substituting a rectangular opening for Ogletree's square opening would hinder this objective, not further it, and is not suggested by the disclosure Ogletree. Thus, it is respectfully submitted that claims 43, 44, 49 and 50 are patentably distinct over Ogletree.

The Examiner has objected to claims 37, 38 and 45-48 as being dependent upon a rejected base claim but indicated that the subject matter of these claims is allowable. For the reasons discussed above, it is respectfully submitted that these claims depend from allowable base claims and, thus, these claims have not been rewritten in independent form.

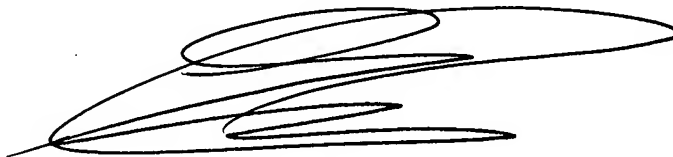
For the reasons set forth herein, it is respectfully requested that claims 19-21 and 27-51 be allowed and the Applicant respectfully requests that a timely Notice of Allowance allowing claims 19-21 and 27-51 be issued in this application.

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In the event Applicant has overlooked the need for any extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 16-0248, Pappas Law Offices. Should the Examiner have any further questions regarding any of the foregoing, the Examiner is respectfully invited to telephone the undersigned at (260) 426-2340.

Respectfully submitted,



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Petition for Extension of Time

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